

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHENIQUA S. BROWN, Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

CHENIQUA S. BROWN,

Respondent-Appellant.

UNPUBLISHED

September 16, 2003

No. 240297

Wayne Circuit Court

Family Division

LC No. 00-392235

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

Respondent appeals by delayed leave granted from an order of disposition entered following delinquency proceedings in which the trial court determined that she committed felonious assault, MCL 750.82, and placed her in the custody of the Wayne County Department of Community Justice. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent was charged with two counts of felonious assault. In exchange for the dismissal of one count, respondent entered a plea of admission to the other count. Following a dispositional hearing, the court made respondent a temporary ward of the state and placed her outside the home. Respondent's sole argument on appeal is that this placement was disproportionately severe punishment. We disagree.

If a juvenile is under the court's jurisdiction, the court may enter an order of disposition that is "appropriate for the welfare of the juvenile and society in view of the facts proven and ascertained," including a warning to the juvenile, placement on in-home probation or foster care, or commitment to a public or private institution. MCL 712A.18(1). The evidence showed that respondent's father was unable or unwilling to enforce appropriate limitations in the home. Left to her own devices, respondent stayed up so late that she could not stay awake in class. As a result, she kept failing her school classes, was repeating the seventh grade for the third time, and was in danger of having to repeat it again. In addition, this was not respondent's first contact with the juvenile justice system. Under the circumstances, we find that the trial court did not

abuse its discretion in finding that placement outside the home was appropriate for the welfare of respondent and society.

Affirmed.

/s/ Michael R. Smolenski

/s/ William B. Murphy

/s/ Kurtis T. Wilder